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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 MARTIN S. ROOD,

12 Plaintiff(s),

13 v.

14 LIBERTY INSURANCE UNDERWRITERS,
INC.,

15 Defendant(s).

Case No.: 2:16-cv-02586-JAD-NJK

ORDER

[Docket No. 29]

16 Pending before the Court is Plaintiff's motion to compel. Docket No. 29. Defendant filed
17 a response in opposition. Docket No. 32. No reply was filed. The Court finds the motion properly
18 resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed below, Plaintiff's
19 motion to compel is **DENIED** without prejudice.

20 "Discovery is supposed to proceed with minimal involvement of the Court." *F.D.I.C. v.*
21 *Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986). Counsel should strive to be cooperative, practical
22 and sensible, and should seek judicial intervention "only in extraordinary situations that implicate
23 truly significant interests." *In re Convergent Techs. Securities Litig.*, 108 F.R.D. 328, 331 (N.D.
24 Cal. 1985). Hence, "[t]he discovery process in theory should be cooperative and largely
25 unsupervised by the district court." *Sali v. Corona Reg. Med. Ctr.*, 884 F.3d 1218, 1219 (9th Cir.
26 2018). A threshold issue in the review of any motion to compel is whether the movant made
27 adequate efforts to resolve the dispute without court intervention. *Cardoza v. Bloomin' Brands,*
28 *Inc.*, 141 F. Supp. 3d 1137, 1145 (D. Nev. 2015). Rule 37(a)(1) of the Federal Rules of Civil

1 Procedure requires that the party bringing a motion to compel discovery must “include a
2 certification that the movant has in good faith conferred or attempted to confer with the person or
3 party failing to make disclosure or discovery in an effort to obtain it without court action.” The
4 Local Rules further expound on this requirement, providing that discovery motions will not be
5 considered “unless the movant (1) has made a good faith effort to meet and confer . . . before filing
6 the motion, and (2) includes a declaration setting forth the details and results of the meet-and-
7 confer conference about each disputed discovery request.” Local Rule 26-7(c).

8 In this case, there is no certification that any pre-filing conference took place with respect
9 to Plaintiff’s motion. To the contrary, Defendant’s counsel expressly declares that no such pre-
10 filing conference took place. Docket No. 32 at 2-3.

11 Accordingly, Plaintiff’s motion to compel is hereby **DENIED** without prejudice.¹

12 IT IS SO ORDERED.

13 Dated: July 2, 2018

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17 Nancy J. Koppe
18 United States Magistrate Judge
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26 ¹ Plaintiff provides the text of only three discovery requests and responses thereto even
27 though he attempts to challenge numerous other discovery responses. *See* Docket No. 29 at 9-11.
28 The Local Rules require that the text of disputed discovery be provided with a motion to compel.
Local Rule 26-7(b). Plaintiff’s violation of this rule also dooms his motion with respect to all
discovery for which text was not provided.